

REMARKS

In an Office Action dated 14 July 2006, the Examiner rejects claims 1-49 (All pending claims). In response to the Office Action, Applicants amend claims 1, 3 5, 7, 9, 11, 14, 15, 16, 21, and 36; and respectfully traverse the rejections. Claims 1-49 remain in the Application. In light of the following arguments, Applicants respectfully request the rejections of the claims be removed and this application be allowed.

In the Office Action, the Examiner rejects claim 1 under 35 U.S. C. §102 (e) as being anticipated by US Patent Application Publication number 2002/0012433 by Haverinen et al. (Haverinen). To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). The **test for anticipation** is symmetrical to the test for infringement and has been stated as: “That which would literally infringe [a claim] if later in time anticipates if earlier than the date of invention.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *Connell v. Sears Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. 1931, 1938 (Fed. Cir. 1983). The Examiner has not provided teachings of each and every element claim 1.

Amended claim 1 recites “wherein said VSA packet includes a Vendor-Extended-Type field if said Vendor-Type field contains a predetermined value wherein said Vendor extended type field is a designated portion of said packet of a predetermined length of bits for identifying a Vendor-Type.” Haverinen does not teach this limitation. Instead,

the cited portions of Haverinen merely teach a specific configuration in the Vendor type field that refers to a specific type of packet. In Haverinen, the specific type of message is a NEW_Session_Key_Request_Vendor_Type. See Page 10, paragraph 230 and paragraph 233. In the recited limitation, the specific value in the vendor-type field indicates that the packet includes another field **elsewhere in the packet**. Applicants have amended claim 1 to make this more clear. Specifically, the Vendor Extended Type field which allows for the user of more vendor types than are currently available in a conventional VSA message. Thus, Haverinen does not teach all of the limitations of claim 1. Therefore, Applicants respectfully request that the rejection of claim 1 be removed and amended claim 1 be allowed.

Claims 2-4 depend from claim 1. Thus, claims 2-4 are allowable for the same reasons amended claim 1. Thus, Applicants respectfully request that the rejections of claims 2-4 be removed and claims 2-4 be allowed.

The Examiner rejects claim 5 under 35 U.S.C. §102(a) as being anticipated by Haverinen. To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). The **test for anticipation** is symmetrical to the test for infringement and has been stated as: “That which would literally infringe [a claim] if later in time anticipates if earlier than the date of invention.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *Connell v.*

Sears Roebuck & Co., 722 F.2d 1542, 1548, 220 U.S.P.Q. 1931, 1938 (Fed. Cir. 1983).

Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985). The Examiner has failed to provide a reference teaching each and every element of the claim.

Amended claim 5 recites “if an extended format VSA is desired, then generating an extended format VSA containing a Vendor-Type field having a predetermined value indicating said VSA includes a Vendor-Extended-Type field else in said VSA and a Vendor-Extended-Type field.” Haverinen does not teach this limitation. Instead, the cited portions of Haverinen merely teach a specific configuration in the Vendor-Type field that refers to a specific type of packet. In the Haverinen reference the specific type of message is a NEW_Session_Key_Request_Vendor_Type. See Page 10, paragraph 230 and paragraph 233. In the recited limitation, the specific value in the Vendor-Type field indicates that the packet includes another field. Specifically, the Vendor Extended Type field which allows for the user of more vendor types than are currently available in a conventional VSA message. Thus, Haverinen does not teach all of the limitations of claim 1. Therefore, Applicants respectfully request that the rejection of claim 5 be removed and amended claim 5 be allowed.

Claims 6-8 depend from claim 5. Thus, claims 6-8 are allowable for at least the same reasons as amended claim 5. Therefore, Applicants respectfully request that the rejection of claims 6-8 be removed and claims 6-8 be allowed.

Amended claim 9 recites a program storage device storing instructions for performing the method claimed in amended claim 5. Thus, amended claim 9 is allowable for at least the same reasons as amended claim 5. Therefore, Applicants respectfully request that the rejection of claim 9 be removed and amended claim 9 be allowed.

Claims 10-15 depend from claim 9. Thus, claims 10-15 are allowable for at least the same reasons as amended claim 9. Therefore, Applicants respectfully request that the rejection of claims 10-15 be removed and claims 10-15 be allowed.

Amended claim 16 recites a method for receiving a packet produced by the method claimed in amended claim 5. Thus, amended claim 16 is allowable for at least the same reasons as amended claim 5. Therefore, Applicants respectfully request that the rejection of claim 16 be removed and amended claim 16 be allowed.

Claims 17-20 depend from claim 16. Thus, claims 17-20 are allowable for at least the same reasons as amended claim 16. Therefore, Applicants respectfully request that the rejection of claims 17-20 be removed and claims 17-20 be allowed.

Amended claim 21 recites an apparatus for performing the method claimed in amended claim 16. Thus, amended claim 21 is allowable for at least the same reasons as amended claim 16. Therefore, Applicants respectfully request that the rejection of claim 21 be removed and amended claim 21 be allowed.

Claims 22-25 depend from claim 21. Thus, claims 22-25 are allowable for at least the same reasons as amended claim 21. Therefore, Applicants respectfully request that the rejection of claims 22-25 be removed and claims 22-25 be allowed.

Claim 26 recites a method for receiving a packet generated with the method claimed in amended claim 5. Thus, claim 26 is allowable for at least the same reasons as amended claim 5. Therefore, Applicants respectfully request that the rejection of claim 26 be removed and claim 26 be allowed.

Claims 27-30 depend from claim 26. Thus, claims 27-30 are allowable for at least the same reasons as claim 26. Therefore, Applicants respectfully request that the rejection of claims 27-30 be removed and claims 27-30 be allowed.

Claim 31 recites an apparatus for performing the method claimed in claim 26. Thus, claim 31 is allowable for at least the same reasons as claim 26. Therefore, Applicants respectfully request that the rejection of claim 31 be removed and claim 31 be allowed.

Claims 32-35 depend from claim 31. Thus, claims 32-35 are allowable for at least the same reasons as claim 31. Therefore, Applicants respectfully request that the rejection of claims 32-35 be removed and claims 32-35 be allowed.

Amended claim 36 recites a program storage device storing instructions for performing the method claimed in claim 26. Thus, amended claim 36 is allowable for at

least the same reasons as claim 26. Therefore, Applicants respectfully request that the rejection of claim 36 be removed and amended claim 36 be allowed.

Claims 37-40 depend from claim 36. Thus, claims 37-40 are allowable for at least the same reasons as amended claim 36. Therefore, Applicants respectfully request that the rejection of claims 37-40 be removed and claims 37-40 be allowed.

Claim 41 recites a program storage device storing instructions for performing the method claimed in amended claim 16. Thus, claim 41 is allowable for at least the same reasons as amended claim 16. Therefore, Applicants respectfully request that the rejection of claim 41 be removed and claim 41 be allowed.

Claims 42-45 depend from claim 41. Thus, claims 42-45 are allowable for at least the same reasons as claim 41. Therefore, Applicants respectfully request that the rejection of claims 42-45 be removed and claims 42-45 be allowed.

Claim 46 recites an apparatus for performing the method claimed in amended claim 5. Thus, claim 46 is allowable for at least the same reasons as amended claim 5. Therefore, Applicants respectfully request that the rejection of claim 46 be removed and claim 46 be allowed.

Claims 47-49 depend from claim 46. Thus, claims 47-49 are allowable for at least the same reasons as claim 46. Therefore, Applicants respectfully request that the rejection of claims 47-49 be removed and claims 47-49 be allowed.

If the Examiner has any questions regarding this response or the application in general, the Examiner is invited to telephone the undersigned at 775-586-9500.

Respectfully submitted,
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